

SCHLANGER LAW GROUP LLP

November 30, 2020

VIA ECF

Hon. Edgardo Ramos  
U.S. District Court – S.D.N.Y.  
40 Foley Square, Courtroom 619  
New York, NY 10007

**Re:** *Gerald Green v. Capital One, N.A., et al.*  
**Index:** 1:20-cv-04655-ER-KNF

Your Honor:

My office represents Plaintiff Gerald Green in the above-referenced matter. We write with consent of Defendant Capital One, N.A. (the remaining Defendant in this action) to jointly request an extended briefing schedule in this matter. The reasons for this request are the two intervening holiday seasons (including travel) and other litigation-related deadlines and obligations that pre-existed the filing of Capital One's motion to dismiss the First Amended Complaint filed on November 18, 2020 (Docket Entry No. 33). Specifically, the parties request the following submission schedule with respect to the currently pending motion to dismiss:

- Opposition due on or before December 23, 2020 (currently due December 2, 2020)
- Reply, if any, due on or before January 19, 2021 (currently due December 9, 2020)

This is the first request for an extension of the opposition and reply deadlines concerning Capital One's motion to dismiss the First Amended Complaint. Plaintiff previously requested an extension to oppose Capital One's initial motion to dismiss, which the Court granted. *See* Docket Entry Nos. 26 and 28. However, the request was rendered moot by Plaintiff's filing of the Amended Complaint (Docket Entry No. 27) and Capital One's withdrawal of the motion (Docket Entry No. 31). The requested briefing schedule does not impact any other case deadlines.

We thank the Court for consideration of the above request.

Respectfully,  
/s/Evan S. Rothfarb  
Evan S. Rothfarb

cc: all counsel of record